

REMARKS

Status of Claims

Claims 18-32 are pending, of which claims 18, 21 and 28 are independent.

Claims 28 and 29 have been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. Claim 28 has been amended by partially incorporating the limitations of claim 29. No new matter has been entered.

Rejection under 35 U.S.C. § 102

Claims 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mullenborn et al. (US 6,622,368). Applicants traverse this rejection for at least the following reasons.

Claim 18 recites, *inter alia*, a first insulating film formed to cover upper and side surfaces of the silicon oxide film, and a second insulating film formed to cover a lower surface of the silicon oxide film. More specifically, since the upper, side and lower surfaces of the charged silicon oxide film are covered with a silicon nitride film having excellent moisture resistance, the surface of the silicon oxide film to become an electret is prevented from being exposed to an ambient atmosphere. As a result, it becomes possible to suppress reduction in the amount of charge in the charged silicon oxide film (see, paragraphs [0011] and [0040] of the present specification).

In contrast, Mullenborn discloses a diaphragm 11 having silicon nitride layers 11a and 11c formed on upper and lower surfaces of a polycrystalline silicon layer 11b, respectively (see, col. 3, lines 9-10 and lines 15-17 and FIG. 1 of Mullenborn).

In rejecting claim 18, the Examiner asserts, referring to FIG. 1 and the description in col. 2, lines 6-9 of Mullenborn, that the polycrystalline silicon layer 11b of Mullenborn corresponds

to a charged silicon oxide film of claim 18; the silicon nitride layer 11c of Mullenborn corresponds to a first insulating film of claim 18; and the silicon nitride layer 11a of Mullenborn corresponds to a second insulating film of claim 18, respectively. Applicants respectfully disagree.

First, Applicants submit that Mullenborn fails to disclose a charged silicon oxide film because the layer 11b of Mullenborn is a polycrystalline silicon (see, col. 3, lines 52-54 of Mullenborn).

Second, Mullenborn fails to disclose a first insulating film formed to cover upper and side surfaces of the charged silicon oxide film as recited by claim 18 because the silicon nitride film 11c of Mullenborn is formed only on the upper surface of the polycrystalline silicon layer 11b (see, FIGS. 1-2 of Mullenborn). It is clear that no layer is formed on the side surfaces of the polycrystalline silicon layer 11b.

The Examiner relies on the description in col. 2, lines 6-9 of Mullenborn in rejecting claim 18. However, the portion describes that “[t]he diaphragm is a sandwich of two or more layers deposited on a rigid or stiff substrate.” Mullenborn fails to disclose or even suggest the specific materials of the layers in the sandwich structure.

To anticipate, every element and limitation of the claimed subject matter must be found in a single prior art reference, arranged as in the claims. *Brown v. 3M*, 265 F.3d. 1349, 60 USPQ2d 1375 (Fed. Cir. 2001). At a minimum, the cited prior art does not disclose expressly or inherently the above discussed limitations of claim 18. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claim 18. Since claim 19-20 depend upon claim 18, these claims are also allowable.

Rejection under 35 U.S.C. § 103(a)

Claims 21-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johannsen et al. (USP 6,859,542) in view of Yasuno et al. (USP 6,731,766) in further view of Mullenborn et al. Applicants respectfully traverse this rejection for at least the following reasons.

Similar to claim 18, claims 21 and 28 recite, *inter alia*, a charged silicon oxide film; a first insulating film formed to cover upper and side surfaces of the silicon oxide film; and a second insulating film formed to cover a lower surface of the silicon oxide film.

Applicants respectfully submit that Johannsen fails to disclose an electret condenser including a vibrating film having the above features of claims 21 and 28. Johannsen discloses a vibrating film 4 having a silicon nitride layer 5/poly-silicon/silicon nitride layer 5 sandwich structure (see, col. 7, lines 12-14 of Johannsen). It is clear that Johannsen fails to disclose the charged silicon oxide film and the insulating film covering the upper, side and lower surfaces of the charged silicon oxide film as recited by claims 21 and 28.

Yasuno does not cure the deficiencies of Johannsen. Specifically, Yasuno fails to disclose the dielectric layer of which upper and side surfaces are covered by a first insulating film (see, FIGS. 1-5 of Yasuno). Further, as discussed above, Mullenborn also fails to disclose a charged silicon oxide film and a first insulating film as recited by claims 21 and 28.

Accordingly, the combination of Johannsen, Yasuno and Mullenborn does not render claims 21 and 28, and any dependent claims thereupon obvious. Applicants respectfully request that the Examiner withdraw the rejection of claims 21-32.

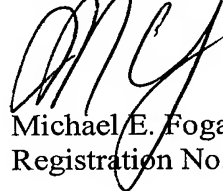
CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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